

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EUGENE KESSLER, individually and
derivatively on behalf of SALEM VEGAS, L.P.,
Plaintiff,
vs.
ANTHONY GUANCI,
Defendant.

Case No. 2:12-cv-01892-GMN-CWH

ORDER

This matter is before the Court on Plaintiff Salem Vegas' Motion to Modify Scheduling Order (#59), filed June 3, 2013; Defendant's Response (#61), filed June 7, 2013; and Plaintiff's Reply (#64), filed June 14, 2013.

The Court has reviewed the motion and finds it is moot. The motion requests that the expert disclosure date and rebuttal expert date be extended. However, the proposed dates have both passed. The parties recently stipulated to an extension of the discovery cutoff date to December 27, 2013. *See Order (#68).* Given that discovery does not close for approximately three (3) more months, the Court is inclined to extend the expert disclosure deadlines. The parties are instructed to meet and confer to determine whether an agreement can be reached regarding the extension of the subject expert deadlines. If no agreement can be reached, Plaintiff is instructed to file a renewed motion not later than Monday, October 14, 2013. Accordingly,

IT IS HEREBY ORDERED that Plaintiff Salem Vegas' Motion to Modify Scheduling Order (#59) is **denied as moot**.

IT IS FURTHER ORDERED that the parties shall meet and confer to determine whether an agreement can be reached regarding extension of the subject expert disclosure deadlines. If no agreement can be reached, Plaintiff is instructed to file a renewed motion not later than **Monday, October 14, 2013**. The Court will address a briefing schedule upon filing of the motion.

1 DATED: September 30, 2013.
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C.W. Hoffman, Jr.
United States Magistrate Judge